

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

DARNELL W. MOON,

Plaintiff,

Case No. 3:15-cv-424

vs.

RICHARD K. JONES, *et al.*,

Defendants.

District Judge Thomas M. Rose
Magistrate Judge Michael J. Newman

ORDER TO SHOW CAUSE

Pro se Plaintiff filed his motion to proceed *in forma pauperis* (“IFP”), along with a copy of a proposed complaint on November 30, 2015. Doc. 1. On December 9, 2015, the undersigned granted *pro se* Plaintiff’s motion to proceed IFP and, after conducting the review required by 28 U.S.C. § 1915, ordered that the case proceed on the *pro se* complaint and that service of process issue. *See* Notation Order dated December 9, 2015. Since that date, over 120 days ago, *pro se* Plaintiff has failed to perfect service of process upon any Defendant pursuant to Fed. R. Civ. P. 4. In fact, the docket reveals that *pro se* Plaintiff has not yet provided the Clerk of Courts with completed summons forms as required by Rule 4(b).

Pursuant to Fed. R. Civ. P. 4(m), as in effect on November 30, 2015, service must be made “within 120 days after the filing of the complaint.” In the absence of service of process within that time, “the court, upon motion or on its own initiative after notice to the plaintiff, shall dismiss the action without prejudice as to that defendant or direct that service be effected within

a specified time[.]”¹ *Id.* It appearing that this case is thus subject to dismissal under Rule 4(m), -- whether the 90-day or 120-day period is utilized -- Plaintiff is **ORDERED** to show cause, in writing and within 21 days of the entry date of this Order, as to why his complaint should not be dismissed without prejudice for his failure to timely serve Defendants.

The Clerk is **ORDERED** to serve a copy of this Order by regular mail at *pro se* Plaintiff’s address of record:

Darnell Wesly Moon
334 Tanglewood Court
Nashville, TN 37211

The Court also notes that Plaintiff has advised he is in custody and awaiting transfer to a Bureau of Prisons (“BOP”) facility. *See* doc. 2 at PageID 15. The undersigned’s review of the BOP prisoner locator reveals that *pro se* Plaintiff is presently in the custody of the BOP at Federal Transfer Center (“FTC”) Oklahoma City. Accordingly, the undersigned also **ORDERS** that *pro se* Plaintiff be served by regular mail to the following address:

Darnell Wesly Moon (Register #34077-044)
FTC Oklahoma City
FEDERAL TRANSFER CENTER
P.O. BOX 898801
OKLAHOMA CITY, OK 73189

Plaintiff is reminded of his continuing obligation to advise the Court, in writing, of his current mailing address hereafter.

IT IS SO ORDERED.

Date: April 11, 2016

s/Michael J. Newman
Michael J. Newman
United States Magistrate Judge

¹ Effective December 1, 2015 -- *i.e.*, subsequent to Plaintiff’s initiation of this civil lawsuit -- Fed. R. Civ. P. 4(m) was amended to require service be perfected “within 90 days after the complaint is filed[.]”